

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MARTHA AMMONS, )  
Plaintiff, )  
v. ) Civil Action No. 3:17-cv-00505  
ALLY FINANCIAL INC., ) District Judge Waverly D. Crenshaw, Jr  
Defendant. ) Magistrate Judge Joe Brown

**ALLY FINANCIAL INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT  
OF MOTION FOR SUMMARY JUDGMENT**

Ally Financial Inc. (“Ally”) hereby gives notice of new legal authority relevant to its Motion for Summary Judgment (Dkt. 25).

On April 27, 2018, the District Court in *Barton v. Credit One Fin.*, No. 16CV2652, 2018 U.S. Dist. LEXIS 72245 (N.D. Ohio Apr. 27, 2018)—another Court within the Sixth Circuit—granted Defendant’s motion for summary judgment on claims brought under the Telephone Consumer Protection Act. Plaintiff had entered into a Cardholder Agreement with Defendant under which Plaintiff provided his express consent to be contacted. *Id.* at \*7-8. The court held that “the TCPA does not permit a consumer who agrees to be contacted by telephone as part of a bargained-for transaction to unilaterally revoke that consent.” *Id.* at \*9 (citing to *Reyes v. Lincoln Auto. Fin. Servs.*, 861 F.3d 51, 56 (2d Cir. 2017)) (internal quotation marks omitted). Consequently it granted the Defendant’s motion for summary judgment.

A copy of the decision is attached hereto as **Exhibit A**.

Respectfully submitted this 1st day of May, 2018.

*/s/ Eric J. Troutman*

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Eric J. Troutman (*pro hac vice*)  
WOMBLE BOND DICKINSON LLP (US)  
3200 Park Center Drive, Suite 700  
Costa Mesa, California 92626  
Telephone: (657) 266-1043  
Email: [Eric.Troutman@wbd-us.com](mailto:Eric.Troutman@wbd-us.com)

R. Frank Springfield (BPR # 025833)  
Samuel A. Morris (BPR # 034878)  
BURR & FORMAN LLP  
420 North 20th Street, Suite 3400  
Birmingham, Alabama 35203  
Telephone: (205) 251-3000  
Facsimile: (205) 458-5100  
Email: [fspringfield@burr.com](mailto:fspringfield@burr.com)

BURR & FORMAN, LLP  
222 Second Avenue South, Suite 2000  
Nashville, TN 37201  
Telephone: (615) 724-3200  
Facsimile: (615) 724-3358  
Email: [smorris@burr.com](mailto:smorris@burr.com)

*Counsel for Defendant Ally Financial Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of May, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Octavio "Tav" Gomez, Esquire  
Shaughn C. Hill, Esquire  
Frank H. Kerney, III, Esquire  
MORGAN & MORGAN, TAMPA, P.A.  
One Tampa City Center  
201 North Franklin Street, 7th Floor  
Tampa, FL 33602  
Email: [tgomez@forthepeople.com](mailto:tgomez@forthepeople.com)  
Email: [shill@forthepeople.com](mailto:shill@forthepeople.com)  
Email: [fkerney@forthepeople.com](mailto:fkerney@forthepeople.com)

Mark A. Lambert, Esq.  
MORGAN & MORGAN  
1 Commerce Square, 26th Floor  
Memphis, TN 38103  
Email: [mlambert@forthepeople.com](mailto:mlambert@forthepeople.com)

*Attorneys for Plaintiff Martha Ammons*

This 1st day of March, 2018.

/s/ Eric J. Troutman  
Eric J. Troutman

WBD (US) 42674246v1